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SENSITIVE
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SUBJECT: GAZA, GOLDSTONE RESOLUTION PASSES AT HRC SPECIAL SESSION

SENSITIVE BUT UNCLASSIFIED - PLEASE HANDLE ACCORDINGLY

Summary

¶1. (SBU) The Human Rights Council Special Session passed a resolution endorsing the recommendations contained in the Goldstone Fact Finding Mission's report on the conflict in Gaza. By a margin of 25 in favor, 11 abstentions, 6 no votes, and 5 not voting, the Council adopted the resolution that singles out Israel for criticism, recommends the General Assembly consider the report, and requests the UN Secretary General to report to the HRC's 13th regular session on the implementation of the report's recommendations. Five European countries (Italy, Netherlands, Hungary, Slovakia, and Ukraine) joined the United States in voting no, while the rest of the European members and a handful of African and GRULAC states abstained. This relatively positive voting result contrasts with recent past special sessions, on which Canada (when it was a member) was often the sole "no" vote. U.S. lobbying in Geneva and capitals played a critical role in building opposition to this unbalanced resolution. End Summary.

Key Outcomes

¶2. (SBU) The Human Rights Council Special Session resolution concerning the Goldstone Fact Finding Mission's report passed with less robust majority than recent Israel resolutions, with 25 votes in favor out of the 47 members of the Council. Six voted against, including the U.S., Italy, Hungary, the Netherlands, Slovakia, and Ukraine. The 11 abstentions came from Belgium, Bosnia Herzegovina, Burkina Faso, Cameroon, Gabon, Japan, Mexico, Norway, Republic of Korea, Slovenia, and Uruguay. The United Kingdom and France did not vote, despite being present in the room.

¶3. (U) The resolution recommends that UN General Assembly act on the report next. It is unclear when and how the UNGA will act, and what weight it will give to the HRC's and the report's specific recommendations if it does. It also condemns Israeli actions in East Jerusalem, including excavations near the Al-Aqsa mosque; welcomes the Goldstone report and its recommendations; condemns Israel's decision not to cooperate with the fact-finding mission; and endorses the report and recommendations made by the High Commissioner for Human Rights in her recent report on the Gaza conflict. The resolution also calls for follow-up at the 13th regular session of the Human Rights Council in March 2010, and requests the UN Secretary General to report to the next HRC session on the implementation of the Goldstone report. The resolution does not address Hamas rocket attacks into Israel, despite Justice Goldstone's stated disappointment about the failure of the resolution to address rocket attacks by Palestinian groups.

Not a Bad Voting Outcome Compared with the Recent Past

¶4. (SBU) Recent resolutions on the Occupied Palestinian Territories have passed by higher margins. For example, the resolution that

called for the creation of the Fact Finding Mission passed by a vote of 33 in favor, 1 against (Canada) and 13 abstentions. Moreover, Canada was the lone "no " vote on five of the last seven Israel-related voted resolutions in regular sessions and the only "no " vote on the last two Israel-related special session resolutions. The results of this most recent special session indicate, among other things, U.S. success in lobbying in Geneva and capitals to secure votes against the resolution and abstentions.

National Positions

15. (U) During general debate, many countries, across different regions, expressed regret that the Special Session was called, mere weeks after the matter was deferred during the 12th regular session, depriving the Council of time to digest the 575 page report and seek a consensus resolution. Still, member states from the Arab Group to the EU acknowledged the urgent need to address impunity and promote accountability, and urged both Israel and authorities in Gaza to conduct investigations. Member states from the Arab Group and the OIC, and NGOs from those regions, expressed doubt that Israel would conduct serious investigations that would bring justice to the victims of the Gaza conflict. Many, including several European states, expressed regret that Israel had chosen not to cooperate with Goldstone's mission. Other general themes included condemnation of the Gaza blockade, home demolitions and expanding settlements, and excavations near the Al-Aqsa mosque.

16. (U) The main sponsors of the resolution justified the Special Session, saying that although the deferral was intended to give time to consult within the Council, Israel responded with even more human rights violations in East Jerusalem. The deferral, which was made

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in good faith, was "perceived as a sign of weakness." In his statement to the Council, Israeli Ambassador Ronny Yaar stated that the session "had nothing to do with human rights." He questioned the credibility of a Council which would politicize the issue in this way. Egypt and its friendly delegations indicated that it was not the Special Session, but rather the Council's unwillingness to hold Israel accountable for its actions in Gaza which represented politicization, saying: "The credibility of the Council is being tested. Will it uphold the rights of victims or let political considerations get in the way? "

17. (SBU) The main sponsors did not incorporate any significant changes from other members. Russia expressed disappointment at the lack of flexibility and consultation. Brazil and Chile, despite failing to achieve any of their requested changes, voted yes with an explanation of position iterating their interpretation of what the resolution intended. The sponsors' hard line on language, along with heavy lobbying from the USG, helped influence dynamics within the EU, allowing the EU "nays " to remain firm, preventing a common EU abstention. The most polemic comments from the general debate section came from Kuwait, earning a protest from Israel. Australia gave an unexpectedly weak statement expressing reticence about the special session "at this time."

Comment

18. (SBU) The Goldstone report will now be forwarded to the General Assembly for consideration and we will face another resolution in the March HRC session in Geneva. As the first official UN resolution dealing with the Goldstone report, the recent Special Session outcome could set the tone for future discussions of the matter. One argument in favor of a more measured approach to the report is that the resolution passed by a less robust majority than recent Israel resolutions -- only 25 of the 47 members supported the resolution and there were "no's " and abstentions from a cross-regional group of states. Maintaining that broad coalition of skeptics could encourage a more realistic review of the report and its content. One of the sticking points for delegations was the wholesale endorsement of the recommendations. That said, we expect continued calls for the parties (and certain international bodies) to implement the recommendations in the report. Absent any action,

we should be prepared to see considerable weakening of the positions of those delegations that did not vote in favor of the resolution. The next few months will be key to building a cohesive strategy and group of supporters in favor of our preferred outcome. End comment.

GRIFFITHS